IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO.819 (MS) OF 2006

Smt. Zakia Khatun,
W/o late Shafat Hussain,
Mohalla Kila, Manglor, Pargana Manglore,
Tehsil Roorkee,
District-Haridwar. .....Petitioner

Versus

1. Consolidation Officer, Roorkee, District-Haridwar.
2. Zamir Ahmad, S/o Shri Rafeeq Ahmad.
3. Junaid Kazmi, S/o Shri Khaliq Ahmad.
4. Smt. Shazda Kazmi, W/o Shri Mintiq Ahamad,
   All R/o Mohalla Kila, Manglore, Pargana Manglore,
   Tehsil-Roorkee, District Haridwar.

.....Respondents.

Dated: 03.07.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Navneet Kaushik, Advocate for the petitioner and Standing Counsel for the respondent no.1. Both the parties have agreed that let the matter be finally disposed of at the admission stage.

By the present writ petition, the petitioner has prayed for a writ of mandamus commanding the respondent no. 1 to press appropriate order on the application of the petitioner moved under Section 340 of the Code of Criminal Procedure in Case No.893 and 943 of 2006 respectively pending before him

under Section 9(A) (2) of the U.P. Consolidation of Holdings Act within a stipulated period.

Briefly stated, the respondents no.2 to 4 have filed objection under Section 9(A) (2) of the U.P. Consolidation of Holdings Act. During the pendency of the objections, the petitioner has filed an application under Section 340 of the Code of Criminal Procedure.

The grievance of the petitioner is that the application filed under Section 340 of the Code of Criminal Procedure, which was filed on 01.06.2006 has not yet been disposed of.

Considering the aforesaid circumstances, since the objections under Section 9(A) (2) of the Consolidation of Holdings Act are still pending, the writ petition, therefore, is premature.

The application has been filed recently on 1st June, 2006 and the petitioner has hurriedly rushed up to this Court and therefore, no interference is required under Article 226 of the Constitution of India.

The presiding officer, if he thinks it urgent, may decide it expeditiously.

Subject to the aforesaid, writ petition is dismissed. No order as to costs.

(Rajesh Tandon, J.)

03.07.2006
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